

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIAN WU, and FEN BIAO CAI, on behalf of
themselves and other persons similarly
situated,

Plaintiffs,

-against-

SUSHI NOMADO OF MANHATTAN, INC.
d/b/a NOMADO 33, SUSHI PARA 33
CORPORATION d/b/a NOMADO 33, SUSHI
PARA MANHATTAN, CORP. d/b/a SUSHI
PARA, d/b/a SUSHI PARA (14th Street), d/b/a
SUSHI PARA (Third Avenue), d/b/a SUSHI
PARA 88, WEI LOONG CHAN aka WEI
LOON CHAN, WENWU CHEN, ZHOU LIN,
SHENG R. DONG, and DING FENG
ZHANG

Defendants.

USDC SDNY
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DATE FILED: 10/4/2023

17-cv-4661-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

This case is scheduled for trial commencing November 13, 2023 through November 15, 2023. [ECF No. 172]. However, a review of the docket shows that Defendants Wei Loong Chan and Sushi Nomado of Manhattan, Inc. (“Sushi Nomado”) are not currently represented by counsel.

In a January 17, 2020 Order, Magistrate Judge Freeman granted the motions of Jeffrey J. Levine, Esq. and David Charles Harrison, Esq. to withdraw from further representation of several defendants, including Defendant Sushi Nomado. [ECF No. 91]. Subsequently, Mr. Vincent Wong with the Law Offices of Vincent Wong appeared in the action on behalf of Defendants Sushi Para 33 Corporation, Sushi Para Manhattan Corp, Wenwu Chen, Zhou Lin, Sheng R. Dong, and Ding Feng Zhang. [ECF No. 121]. Mr. Wong did not appear on behalf of Defendant Sushi Nomado or Wei Loong Chan. Magistrate Judge Freeman cautioned that “[i]f no new counsel for the Corporate Defendants appears in this action by February 14, 2020, then Plaintiffs may proceed to move for

a default judgment against the Corporate Defendants, as corporate entities cannot continue to defend themselves in this Court without counsel.” [ECF No. 91]. *See e.g., Pecarsky v. Galaxiworld.com Ltd.*, 249 F.3d 167, 172 (2d Cir. 2001); *Jacobs v. Patent Enforcement Fund, Inc.*, 230 F.3d 565, 568 (2d Cir. 2000). To date, Defendant Sushi Nomado has not appeared in this action or retained counsel.

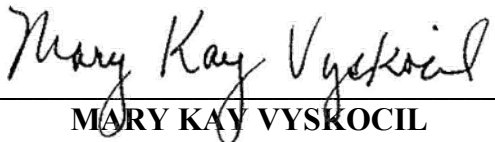
Moreover, in the same January 2020 Order, Magistrate Judge Freeman noted that “Wei Loong Chan, is not currently represented . . . and is apparently in default,” and “[a]lthough this Court had directed all Defendants to appear personally at the conference (see Dkt. 86), Chen did not appear, and the Court was informed by the other Individual Defendants that he may currently be out of the country.” [ECF No. 91]. Magistrate Judge Freeman cautioned that “if new counsel does not file a Substitution of Counsel on behalf of each Individual Defendant by February 14, 2020, they will be expected to proceed in this action on their own behalf, without the benefit of counsel . . . on a *pro se* basis, to attend all court conferences and other proceedings in person, and to comply, on their own, with all rules and procedures of the Court. Their failure to participate in defending this action may result in the entry of default judgments against them.” [ECF No. 91]. To date, Defendant Wei Loong Chan has not appeared in this action nor retained counsel.

Moreover, to date, Plaintiffs have not moved for a default judgment as to either Defendant Wei Loong Chan or Defendant Sushi Nomado. Accordingly, IT IS HEREBY ORDERED that, by October 10, 2023, Defendant Wei Loong Chan shall file a letter on the docket informing the Court whether he intends to proceed *pro se*. Additionally, by October 13, 2023, new counsel shall file a notice of appearance for Corporate Defendant Sushi Nomado.

IT IS FURTHER ORDERED THAT a pretrial conference is scheduled for **October 12, 2023 at 11:30 AM** in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED.

Date: October 4, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge